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10/603,266	06/23/2003	Jeffery M. Enright	D-1112 R2 DIV	7160

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EXAMINER	
RAO, ANAND SHASHIKANT	
ART UNIT	**PAPER NUMBER**
2613	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,266	ENRIGHT ET AL.	
	Examiner	Art Unit	
	Andy S. Rao	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 68-89* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 68-89* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Allowability

1. The indicated allowability of claims 1, and 68-89 as stipulated in the notice of Allowance of 4/20/05 are withdrawn in view of the newly discovered reference(s) to Gustin, Cook, and Anderson et al., (hereinafter referred to as "Anderson"). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 68-70, 72-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Anderson et al., (hereinafter referred to as "Anderson").

Regarding claim independent claim 1, Gustin discloses a method comprising the steps of: receiving a check into an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 36-47: cash check screen), the automated banking machine including a cash dispenser (Gustin: column 11, lines 34-48: cash dispenser bin); capturing an image (Gustin: column 12, lines 50-55: imaging station) including indicia on the check through the operation of an imaging device in the machine (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.); operating at least one computer in operative connection with the imaging device to produce a document corresponding

to the indicia on the check (Gustin: column 8, lines 57-67; column 9, lines 1-8), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-24) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and signature fields) that is generated as a confirmation means to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't not explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-21) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-45: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) for verification purposes in electronic transactions across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) to ensure verification for the electronic transactions across the internet (Anderson: column 18, lines 10-25). The Gustin method, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 1.

Regarding claim 68, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has receiving at least one user input through at least one input device on the automated banking machine from a user from whom the check is received (Gustin: column 8, lines 60-67: "touch screen"); and correlating transaction data (Gustin: column 12,

lines 55-67: "transaction amount") corresponding to the at least one user input with the at least one markup language document (Anderson: column 19, lines 15-45: FSML tag structure) through operation of the at least one computer as in the claim (Anderson: column 9, lines 1-10), as in the claim.

Regarding claim 69, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has storing the at least one markup language document (Anderson: column 19, lines 15-45: FSML tag structure) and the transaction data in at least one data store in the banking matching through operation of the at least one computer (Gustin: column 9, lines 5-10: "hard drive" for storage), as in the claim.

Regarding claim 70, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has communicating the at least one markup language document from the automated banking machine responsive to operation of the at least one server component (Gustin: column 13, lines 50-55), as in the claim.

Regarding claim 72, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has including authenticating information in the at least one markup language document (Gustin: column 13, lines 40-45: signature verification), as in the claim.

Regarding claim 73, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has causing the cash dispenser to operate responsive to operation of the at least one computer (Gustin: column 11, lines 34-38; cash dispenser bin), as in the claim.

Regarding claims 74-75, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has operating a terminal remote from the automated banking

machine, to receive the at least one markup language document (Gustin: column 13, lines 39-55: transmission to the banking network would including a remote terminal), as in the claims.

Regarding claims 76, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has the terminal including a browser component (Anderson: column 18, lines 35-40: well known web browsers such as Netscape of MS Explorer), and further comprising processing the at least one markup language document responsive to operation of the browser component (Anderson: column 18, lines 60-67), as in the claim.

Regarding claims 77-78, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has analyzing the image data (Gustin: column 13, lines 35-40: signature line, courtesy amount) recognition through the operation of the terminal computer (Gustin: column 13, lines 23-25: image recognition software), as in the claims.

Regarding claims 79-80, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has wherein the computer (Gustin: column 9, lines 1-10) comprises at least one server component (Anderson: column 18, lines 30-32), and further discloses communication the transaction data and the at least one markup language document from the automated banking machine responsive to the operation of the at least one server component (Gustin: column 13, lines 39-55), as in the claims.

Regarding claims 81-82, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has searching the terminal data for at least one selected parameter responsive to at least one input to at least one terminal input device (Gustin: column 12, lines 55-67), as in the claims.

Regarding claims 83-84, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has providing a visual representation of the indicia on the check through the output device (Gustin: column 12, lines 30-45: display for showing an unsigned portion of the back of the check), as in the claims.

Regarding claim 85, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has communicating at least a portion of the terminal data from the terminal responsive to operation of the terminal server (Gustin: column 13, lines 49-56), as in the claim.

Regarding claim independent claim 86, Gustin discloses an apparatus of: an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 10-35: check deposit screen; column 16, lines 35-47: cash check screen) including at least one user input device (Gustin: column 9, lines 30-40: keypad), a cash dispenser (Gustin: column 11, lines 35-40: cash dispenser bin); a document imaging device (Gustin: column 12, lines 49-56: imaging station) and at least one computer in operative connection with the at least one user input device, cash dispenser, and document imaging device (Gustin: column 8, lines 57-67; column 9, lines 1-8) wherein the at least one computer is selectively operative to user inputs to the at least one input device to cause the cash dispenser to dispense cash from the machine (Gustin: column 11, lines 20-45) and to cause at least one image of a check to be captured through operation of the document imaging device to produce a document corresponding to at least a portion of the at least one image (Gustin: column 8, lines 57-67; column 9, lines 1-8), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-34) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and

signature fields) that is generated as a confirmation means to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't not explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-22) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-35: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-37) for verification purposes in electronic transactions across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-37) to ensure verification for the electronic transactions across the internet. The Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 86.

Regarding claim independent claim 87, Gustin discloses an apparatus of: a check analysis terminal (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen), wherein the terminal includes at least one computer (Gustin: column 8, lines 57-67; column 9, lines 1-8) and at least one user input device (Gustin: column 9, lines 30-40: keypad), wherein the terminal includes at least one display device (Gustin: column 9, lines 10-15), at least one data store (Gustin: column 8, lines 57-67; column 9, lines 1-8: hard drive), wherein the at least one data store includes check transaction data (Gustin: column 13,

lines 30-35) corresponding to at least one image captured of at least a portion of a check (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.) during a check receiving transaction (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit; column 16, lines 35-47) at a cash dispensing automated banking machine (Gustin: column 8, lines 35-40), wherein the at least one data store is in operative connection with the computer (Gustin: column 8, lines 57-67; column 9, lines 1-8), wherein the at least one computer is operative to receive additional check transaction data (Gustin: column 13, lines 40-50), wherein the at least one computer is operative to cause received check transaction data to be stored in the data store (Gustin: column 8, lines 57-67; column 9, lines 1-8: hard drive), and wherein the at least one computer is operative responsive to at least one input to the least one input device to cause a visual representation corresponding to stored check transaction data to be output through the at least one display device (Gustin: column 13 lines 55-67; column 14, lines 1-12), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-24) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and signature fields) that is generated as a confirmation means to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-21) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-45: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) for verification purposes in electronic transactions

across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) to ensure verification for the electronic transactions across the internet (Anderson: column 18, lines 10-25). The Gustin method, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 87.

Regarding claim 88, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen) includes a cash dispenser operative to cause cash dispensing (Gustin: column 11, lines 34-48: cash dispenser bin), wherein the automated banking machine is operative to receive at least one cheek (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen), wherein the automated banking machine includes an imaging device operative to capture during a check receiving transaction at least one image of at least a portion of a check (Gustin: column 12, lines 49-56: imaging station), wherein the at least one computer (Gustin: column 8, lines 57-67; column 9, lines 1-8) is operative to produce at least one markup language document (Anderson: column 18, lines 26-67; column 19, lines 1-4) including check transaction data (Gustin: column 13, lines 30-35), wherein the check transaction data corresponds to the at least one image of at least a portion of a check (Gustin: column 13, lines 40-45: signature field), as in the claim.

Regarding claim 89, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has the visual representation includes at least one of a portion of a check (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.), as in the claim.

4. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Anderson as applied to claim 1 above, and further in view of Cook.

Regarding claim 71, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has a majority of the features of claim 71, but fails to disclose the use of XML as the markup language. Cook discloses that XML is a similar markup language to HTML or SGML, both of which are discussed in the secondary reference in generating the FSML (Anderson: column 18, lines 30-40 and 60-68). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to develop the Anderson FSML according the XML format since Cook discloses that XML is an ASCII extensible markup language similar to HTML and SGML and is also used to transfer files across the internet (Cook: column 6, lines 1-10). The Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents as based on Cook's discussion of XML as a mark-up language has all of the features of claim 71.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zajkowski discloses an automated banking machine and method. Richards discloses an automated banking machine system using plural communication formats.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad S. Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
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asr
July 11, 2005

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